

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GREGORY MANGO,  
Plaintiff,

- against -

URBANLINX MEDIA, INC.  
Defendant.

Docket No. 1:17-cv-7728

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Gregory Mango (“Mango” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Urbanlinx Media, Inc., (“Urban” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of Chanel Lewis, owned and registered by Mango, a New York based professional photographer. Accordingly, Mango seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacting doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Mango is a professional photographer in the business of licensing his photographs to online and print media for a fee having a usual place of business at 210 17<sup>th</sup> Street, Unit 3, Brooklyn, New York 11215.

6. Upon information and belief, Urban is a corporation with a place of business at 11 West 25<sup>th</sup>, New York, New York 10010. At all times material hereto, Urban has owned and operated a website at the URL: [www.HotNewHipHop.com](http://www.HotNewHipHop.com) (the “Website”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photograph**

7. Mango photographed Chanel Lewis being arrested after being accused of the murder of Queens jogger Karina Betrano (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Mango is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-036-434.

#### **B. Defendant’s Infringing Activities**

10. Urban ran an article on the Website entitled *Queens Jogger Suspect’s Sister Says Her Brother Was Framed Because He’s Black*. The article prominently featured the Photograph. A true and correct copy of the article with the Photograph are attached hereto as Exhibit B.

11. Urban did not license the Photograph from Plaintiff for its article, nor did Urban have Plaintiff’s permission or consent to publish the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST URBAN)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Urban infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Urban is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Urban have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Urban be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;

3. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
4. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
October 9, 2017

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz

Richard P. Liebowitz

11 Sunrise Plaza, Suite 305

Valley Stream, NY 11580

Tel: (516) 233-1660

RL@LiebowitzLawFirm.com

*Attorneys for Plaintiff Gregory Mango*